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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,953	09/19/2003	Taeko Ito	1232-5163	8338
27123	7590	11/07/2008	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				PASIEWICZ, DANIEL M
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE			DELIVERY MODE	
11/07/2008			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
Shopkins@Morganfinnegan.com  
jimedina@Morganfinnegan.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,953	ITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL M. PASIEWICZ	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 July 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 12-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-2 and 12-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***New Examiner of Record***

1. The prosecution of this application has been transferred to Examiner Dan Pasiewicz from the docket of Examiner Wanda Negron. Any inquiry concerning this Office Action or earlier communications should be directed to the current Examiner of record. Current contact information is provided in the last section of this communication.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2 and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,097,431 to Anderson et al in view of U.S. Patent Application Publication 2008/0049971 A1 to Ramos et al.**

5. With respect to **claim 1**, Anderson discloses, in Fig. 9-11, an image sensing apparatus comprising: an image sensing unit (114) that generates image data (column

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4 lines 46-51 and lines 57-60), a storing unit (354) that stores an image file including image data in a removable memory (column 5 lines 30-38) and a display unit (280) that displays both reduced image data obtained from the image file and a predetermined information that corresponds the details of the image file (column 6 lines 5-21; as can be seen in Fig. 9-11 images are displayed along with additional data about the selected image in the bar along the bottom of the screen).

6.     **Anderson** also states “[v]arious modification to the preferred embodiment will be readily apparent to those skilled in the art and the generic principles herein may be applied to other embodiments” and “any product which displays images; icons or other items, could incorporate the features described hereinbelow and that product would be within the spirit and scope of the present invention” (column 4 lines 7-10 and lines 17-20).

7.     **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of storing information about the processing of an image, including such processing as watermarking images are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have stored the predetermined information displayed in the removable memory with the image for doing so would allow access to detailed processing information on the image which would allow for applications needing such information to be performed at any time after the initial processing is performed.

8.     In analogous art, **Ramos** teaches, in paragraph 47, displaying a graphical icon that signifies the presence of a watermark in a file. At the time the invention was made

it would be obvious to one of ordinary skill in the art that such a displaying of a watermark icon signifying a watermark of a file would be within the realm of a product that could be incorporated into the invention of **Anderson** as it is a product that displays images, icons or other items. Therefore, **Anderson** in view of the Examiner's Official Notice in further view of **Ramos** teaches the claimed authentication data generating unit and a display unit that displays the image data and predetermined data which includes information indicating authentication data.

9. With respect to **claim 2 Anderson** discloses, in Fig. 9-11, wherein the image sensing apparatus has a first image display mode for displaying one reduced image data and a second image display mode for displaying a plurality of reduced image data, and wherein even if the first image display mode is switched to the second image display mode, a position where the predetermined information is displayed remains unchanged (Fig. 9-11 and column 6 lines 18-21; where it can be seen in Fig. 9-11 that the additional data about the selected image is displayed in the same location regardless of which review mode the camera is in).

10. With respect to **claim 12 Anderson** discloses, in Fig. 9-11, wherein the image sensing apparatus is one of a digital camera, a scanner, a copying machine, and a portable information terminal with a digital camera (column 4 lines 15-18).

11. **Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,097,431 to Anderson et al in view of U.S. Patent Application Publication 2008/0049971 A1 to Ramos et al in further view of U.S. Patent 6,718,118 to Oguro.**

12. **Claims 13-15** are analogous claims to that of **claims 1-2 and 12** but comprise the additional limitations that the predetermined information indicated for image files includes data on preventing deletion. Therefore, rationale applied above from **Anderson** as to why the teaching of **Ramos** is an obvious addition would also apply to **Oguro**. Therefore, as **Oguro** teaches in column 7 lines 9-13 displaying indication of whether an image file is protected from deletion and for the reason already discussed above with respect to **claims 1-2 and 12**, **claims 13-15** are rejected as being obvious over **Anderson in view of Ramos in further view of Oguro**.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent Application Publication 2002/0067923 to Fujimura.
- U.S. Patent 6,765,612 to Anderson et al.
- U.S. Patent 6,738,075 to Torres et al.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL M. PASIEWICZ whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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November 3, 2008

/Sinh N Tran/  
Supervisory Patent Examiner, Art Unit 2622